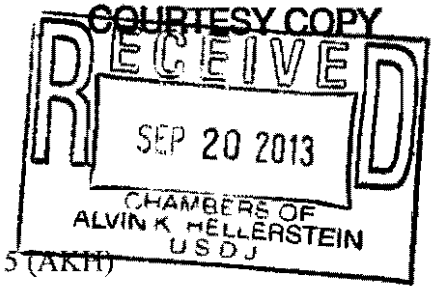


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FOX NEWS NETWORK, LLC,

Plaintiff,

- against -

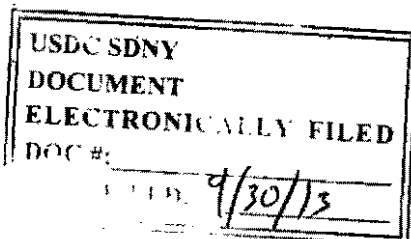
TVEYES, INC.,

Defendant.

Case No. 13-CV-5315 (AKH)

NOTICE OF MOTION TO DISMISS  
COUNT II AND COUNT III OF THE  
COMPLAINT

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant TVEyes, Inc.'s ("Defendant") Motion to Dismiss Counts II and III of the Complaint, dated September 16, 2013, and all prior proceedings and papers filed herein, Defendant will move this Court, before the Honorable Alvin K. Hellerstein, United States District Judge, Southern District of New York, at the United States Courthouse, located at 500 Pearl Street, New York, New York, at a date and time to be set by the Court, for an order: (1) dismissing Counts II and III of the Complaint with prejudice for failure to state a claim upon which relief can be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure; and (2) granting such other relief as this Court may deem just and proper.



*Motion denied w/out prejudice  
to later filing. At this point of the  
case, there is not enough understanding  
to distinguish between the scope of a  
copyright infringement claim, and  
state claims. If discovery issues  
arise, and I don't think that likely, I  
will deal with such issues at that time.  
9/30/13*

*Alvin K. Hellerstein*

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Civil Rule 6.1(b), answering papers, if any, shall be served within fourteen (14) days after service of the moving papers; and reply papers, if any, shall be served within seven (7) days after service of the answering papers.

Dated: September 16, 2013

QUINN EMANUEL  
URQUHART & SULLIVAN, LLP

By /s/ Andrew H. Schapiro  
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New York, NY 10010  
(212) 849-7000

*Attorneys for Defendant TVEyes, Inc.*

Judge wrote:

“Motion denied without prejudice to later filing. At this point of the case, there is not enough understanding to distinguish between the scope of a copyright infringement claim, and state claims. If discovery issues arise, and I do not think that likely, I will deal with such issues at that time.

9/30/13

Alvin K. Hellerstein”